

RAFAEL KUBELIK, HIS WIFE, LUDMILA KUBELIK, AND  
THEIR MINOR SON, MARTIN KUBELIK

JUNE 19, 1951.—Committed to the Committee of the Whole House and ordered  
to be printed

Mr. WALTER, from the Committee on the Judiciary, submitted the  
following

REPORT

[To accompany S. 275]

The Committee on the Judiciary, to whom was referred the bill (S. 275) for the relief of Rafael Kubelik, his wife, Ludmila Kubelik, and their minor son, Martin Kubelik, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Rafael Kubelik, his wife, Ludmila Kubelik, and their minor son, Martin Kubelik. The bill provides for appropriate quota deductions and for the payment of the required visa fees and head taxes.

GENERAL INFORMATION

The pertinent facts in this case are contained in a letter from the Deputy Attorney General, to the chairman of the Committee on the Judiciary, relative to H. R. 1979, a companion measure to this bill, introduced in the House of Representatives by Representative Yates. The said letter reads as follows:

JUNE 5, 1951.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 1979) for the relief of Rafael Kubelik, his wife, Ludmila Kubelik, and their minor son, Martin Kubelik, aliens.

The bill would provide that Rafael Kubelik, his wife, Ludmila, and their minor son, Martin, shall be considered to have been lawfully admitted to the United

States for permanent residence as of the date of its enactment, upon payment of the required visa fees and head taxes. It would also direct the Secretary of State to instruct the quota-control officer to deduct the proper numbers from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that the aliens claim to be stateless. Mr. Kubelik was born in Bychory, Czechoslovakia, on June 29, 1914, Mrs. Kubelik, nee Bertlova, in Brno, Czechoslovakia, on February 1, 1914, and their son, Martin, in Prague on February 18, 1946. Mr. Kubelik last entered the United States at the port of New York on August 18, 1950, when he was admitted as a visitor until January 1, 1951, under section 3 (2) of the Immigration Act of 1924. Mrs. Kubelik and her son last entered the United States at the port of Miami, Fla., on July 24, 1950, when they were admitted as visitors for a period of 3 months under section 3 (2) of the Immigration Act of 1924. The beneficiaries of the bill are not in the United States at the present time. They departed for London, England, on May 1, 1951, and expected to return to this country on September 1, 1951.

Mr. Kubelik advised on March 19, 1951, that he is under contract with the Chicago Symphony Association to act as conductor and musical director of the Chicago Symphony Orchestra for the period from January 1, 1950, until August 1952, with the option of a 1-year extension of the contract upon mutual agreement between Mr. Kubelik and the association. According to his contract, he receives a salary of \$30,000 a season, which lasts from September until April. Mr. Kubelik stated that he considers London, England, his permanent residence and that he and his family left their home in Prague in July 1948, that they went to England with the intention of not returning to Czechoslovakia, and that their Czechoslovakian passports were surrendered in London, England, on March 14, 1949, in exchange for the British travel documents with which they entered this country. Mrs. Kubelik stated that she was a professional concert violinist in Czechoslovakia and that she has appeared as a concert musician in the United States, but that she has not received any fees for her appearances.

The quota for Czechoslovakia, to which the aliens are chargeable, is oversubscribed, and immigration visas are not readily obtainable. The record fails, however, to present considerations which would justify the enactment of special legislation granting them a preference over other nationals of Czechoslovakia who desire to obtain the economic and other benefits of residence in the United States, but who remain abroad in compliance with the law, awaiting their regular turns for the issuance of immigration visas. Furthermore, the enactment of this bill, granting permanent residence to aliens who are not in the United States, would set an undesirable precedent.

Accordingly, this Department is unable to recommend enactment of the measure.

Yours sincerely,

PEYTON FORD,  
Deputy Attorney General.

Senate Report No. 291, in which the enactment of this bill is recommended, contains the following additional information:

The beneficiaries of the bill are former Czech citizens who last entered the United States as visitors in 1950 from Great Britain, where they had been residing since leaving Czechoslovakia. Mr. Kubelik is the musical director and conductor of the Chicago Symphony Orchestra, and Mrs. Kubelik is a concert violinist of renown.

Senator Paul Douglas, the author of the bill, has submitted the following information in connection with the case:

UNITED STATES SENATE,  
COMMITTEE ON LABOR AND PUBLIC WELFARE,  
Washington, D. C., March 13, 1951.

Re S. 275.

Hon. PAT McCARRAN,

Chairman, Senate Committee on the Judiciary,  
Senate Office Building, Washington 25, D. C.

MY DEAR SENATOR McCARRAN: As you requested in your letter of February 20, I am pleased to submit to the standing Subcommittee on Immigration and Naturalization of the Committee on the Judiciary the following information in support of S. 275, for the relief of Rafael Kubelik, his wife, Ludmila Kubelik, and their minor son, Martin Kubelik.

1. The circumstances surrounding the entry of the person to the United States: Rafael Kubelik last entered the United States at New York City on August 18, 1950. Ludmila Kubelik was last admitted to the United States at Miami, Fla., on July 24, 1950, along with her minor son, Martin Kubelik.

2. The present activities of such person: Mr. Kubelik is at present musical director and conductor of the Chicago Symphony Orchestra.

3. How such person is presently earning a living, or whether dependent on some other person for support: Mr. Kubelik is now musical director and conductor of the Chicago Symphony Orchestra. He is presently on a 2-year contract and it is expected that he will remain with the Chicago Symphony Orchestra as musical director and conductor for many years to come.

4. Whether or not such person is engaged in any activities, political or otherwise, injurious to the American public interest: Mr. and Mrs. Kubelik are in no way and never have been engaged in any activities, political or otherwise, injurious to the American public interest.

5. Has such person been convicted of an offense under any Federal or State law, and if so, what offense: Neither Mr. nor Mrs. Kubelik have ever been convicted of an offense under any Federal or State law.

Mr. and Mrs. Kubelik are both talented individuals, thoroughly likable, intelligent, and in a position to contribute a great deal to our cultural development. They are, fortunately, young enough to be actively interested in developments in the field of music and to grow with these developments. Each has a rich background of tradition to draw upon for inspiration. Jan Kubelik, father of Rafael Kubelik, may be known to some of the members of the committee as an outstanding violinist of his day. Mrs. Kubelik is herself a violinist of concert stature. Both are completely trustworthy and more than willing to embrace our American way of life.

Please find enclosed herewith several letters of endorsement of S. 275 from prominent citizens in Chicago.

With kind regards,  
Sincerely yours,

PAUL H. DOUGLAS.

MARSHALL FIELD & Co.,  
Chicago, March 9, 1951.

HON. PAT MCCARRAN,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

DEAR SENATOR MCCARRAN: I understand that a bill has been introduced in the Senate which provides sanctuary in this country for Rafael Kubelik and his wife and child, who are currently in the United States under authority of a temporary visa.

As you probably know, Mr. Kubelik is the conductor of the Chicago Symphony Orchestra and a man of distinguished attainments in the musical world. He and his family are refugees from Czechoslovakia, which he left rather than submit to Communist rule.

It would be difficult indeed to think of a case more deserving of special consideration of this kind from Congress, as Mr. Kubelik is possessed of such rich musical talents as to guarantee a cultural contribution of the first importance. He has made a most important place for himself in Chicago within a very few months and already enjoys the affectionate regard of our large musical public.

It is unthinkable that a man of his talents, ideals, and democratic principles should not be given a haven in our country under present circumstances, and I am most hopeful that your committee will expedite favorable action on this enabling legislation.

Sincerely yours,

EARL KRIBBEN.

CONTINENTAL ILLINOIS NATIONAL BANK  
AND TRUST CO., OF CHICAGO,  
Chicago, Ill., March 9, 1951.

Hon. PAT McCARRAN,  
*Chairman, Committee on the Judiciary,*  
*United States Senate, Washington, D. C.*

DEAR SENATOR McCARRAN: I am familiar with bill (S. 275) for the relief of Rafael Kubelik and his family, which I understand is with the standing Subcommittee on Immigration and Naturalization of the Committee on the Judiciary.

I think it is highly important for the good of symphony music in this country to have this bill passed promptly as in my opinion Mr. Kubelik is the type of man this country should want as a citizen and I also feel sure that he is a musical genius who will add a great deal to the musical life of Chicago and this country.

Sincerely yours,

F. W. KNIGHT.

GARDNER, CARTON & DOUGLAS,  
Chicago, March 9, 1951.

Hon. PAT McCARRAN,  
*Chairman, Committee on the Judiciary,*  
*United States Senate, Washington, D. C.*

DEAR SENATOR McCARRAN: Permit me to commend for approval by the Committee on the Judiciary, Senate bill 275, introduced by Senator Douglas, for the relief of Rafael Kubelik, his wife Ludmila Kubelik, and their minor son Martin Kubelik. The purpose of the bill is to legalize their admission into the United States for permanent residence.

Mr. and Mrs. Kubelik are distinguished musicians. Mr. Kubelik is now serving as conductor of the Chicago Symphony Orchestra under a 2-year engagement, extending for the 1950-51 and 1951-52 seasons. It is the hope and expectation of the board of trustees of the Chicago Orchestral Association that he will continue as their permanent conductor. Mrs. Kubelik is a violinist who has appeared with the Chicago Orchestra and other leading orchestras in this country and abroad.

Mr. Kubelik declined flattering offers of conductorships in London and elsewhere to come to Chicago. He and his wife are Czechs. They desire to become American citizens. Naturally and properly they desire to remain together and to have their child with them. If given the opportunity to remain here and to be naturalized, I know of no reason to doubt but what they will become patriotic American citizens, devoted to our country, and making a truly great contribution to our cultural life.

Respectfully submitted.

ALFRED T. CARTON.

INLAND STEEL Co.,  
Chicago, Ill., March 10, 1951.

Hon. PAT McCARRAN,  
*Chairman, Committee on the Judiciary,*  
*United States Senate, Washington, D. C.*

DEAR SENATOR McCARRAN: Senator Douglas has informed me of the progress of his bill (S. 275) for the relief of Rafael Kubelik, his wife Ludmila Kubelik, and their minor son Martin Kubelik, and I am addressing this letter to you on my own behalf to advise you of my interest in the bill.

It has been my privilege to meet Mr. Kubelik on frequent occasions and I have had ample opportunity to judge his extraordinary skill as a musician. His reputation as an artist has earned great respect for him and he stands in high favor among individuals deeply and sincerely interested in the best of symphonic music, not only in America but in the cultural centers of Europe as well.

I have no hesitancy in recommending passage of the bill to you and am delighted to have the opportunity to add my personal and unqualified endorsement.

Sincerely yours,

EDWARD L. RYERSON.



In addition, a letter dated March 29, 1951, to the chairman of the Senate Committee on the Judiciary from the Honorable Adlai E. Stevenson, Governor of Illinois, reads as follows:

OFFICE OF THE GOVERNOR,  
Springfield, March 29, 1951.

HON. PAT McCARRAN,  
*Chairman, Committee on the Judiciary,  
United States Senate, Washington, D. C.*

DEAR SENATOR McCARRAN: I have just learned that the Subcommittee on Immigration and Naturalization of your Committee on the Judiciary will shortly be holding hearings on S. 275, which would provide deserved relief for Rafael Kubelik, conductor of the Chicago Symphony Orchestra, and his family.

It seems to me that it is altogether fitting for the Congress, under the circumstances, to take such action as will provide sanctuary in this country for such an outstanding figure in the musical world, who has elected to leave his home in Czechoslovakia rather than live behind the iron curtain.

I am informed by friends of mine in the Orchestral Association of Chicago, that Mr. Kubelik is a man of positive democratic ideals and principles and conspicuously worthy of American citizenship. I earnestly hope, therefore, that your committee will send this bill to the Senate, with its favorable recommendation.

With all good wishes, I am  
Sincerely yours,

ADLAI E. STEVENSON, *Governor.*

On May 24, 1951, Mr. Yates informed the chairman of a subcommittee of the Committee on the Judiciary, as follows:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., May 24, 1951.

HON. FRANCIS E. WALTER,  
*Chairman, Subcommittee on Immigration, Judiciary Committee,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: I understand that S. 275 for the relief of Rafael Kubelik, his wife, Ludmila Kukelik, and their minor son, Martin Kubelik, which passed the Senate on May 4, 1951, is before your subcommittee. A companion bill, H. R. 1979, which I introduced on January 23, 1951, is also before you.

I should like to bring to your attention the fact that the Kubelik family departed for Europe temporarily on May 1 so that Mr. Kubelik could fulfill a number of engagements abroad, including the world-famous Music Festival at Salzburg, engagements which had been undertaken for sometime, and the cancellation of which would have disrupted programs long established. They plan to return to this country about September 1 of this year.

I trust that favorable action on S. 275 will permit the Department of State and the Immigration and Naturalization Service to readmit the beneficiaries of the bill.

With kindest regards, I am  
Sincerely,

SIDNEY R. YATES,  
*Member of Congress.*

It has been ascertained by this committee that upon the enactment of this bill and the subsequent creation of the record of entry for permanent residence of the beneficiaries, as provided for in this legislation, their reentry will be made possible through regular administration action.

Upon consideration of all the facts in this case, the committee is of the opinion that S. 275 should be enacted and is accordingly recommends that the bill do pass.

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